## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
Plaintiff,	) )	4:07cr3160
v.	)	MEMORANDUM
JAMES GLASS,	) )	MEMORANDUM AND ORDER
Defendant.	)	

The defendant has filed a pro se motion. (Filing no. 69.) As a result, the defendant *may* be entitled to a reduction in sentence due to the retroactive application of the "Crack Cocaine Amendment" to the federal Sentencing Guidelines implementing the Fair Sentencing Act of 2010, effective November 1, 2011. The defendant should understand that I have made no determination whether the defendant is covered by the Amendment or whether the defendant, if covered by the Amendment, should be given a reduction. Those questions are yet to be determined. With the foregoing in mind,

## IT IS ORDERED that:

- 1. Pursuant to General Order No.2011-12, the Federal Public Defender (or his nominee) is herewith appointed to represent the defendant. The Clerk's office shall provide the Federal Public Defender and the defendant with a copy of this order. *Appointed counsel shall promptly enter an appearance*.
- 2. **No later than February 13, 2012**, the probation office shall provide the undersigned *and* counsel of record with a "Retroactive Sentencing Worksheet." If the officer requires additional time, a request may be made to the undersigned by e-mail. The Clerk's office shall provide

Mike Norton, Supervisory United States Probation Officer, with a copy of this Memorandum and Order

3. **No later February 27, 2012**, counsel of record shall confer and do one of the following:

A. File a stipulation signed by both counsel containing the

following provisions: (i) an agreement that the defendant is

eligible for a sentence reduction pursuant to 18 U.S.C. §

3582(c) and U.S.S.G. § 1B1.10; (ii) an agreement that the

defendant may be resentenced without being present and

without further notice; and (iii) an agreement regarding the

recommended sentence.

B. In lieu of the stipulation provided in paragraph A, counsel

for the government shall contact my judicial assistant and

arrange a telephone conference with the undersigned and

counsel for the defendant so that further progression of this

case may be scheduled.

December 27, 2011.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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